

**MONDAY, APRIL 16, 2012**

**SEVENTY-THIRD LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Jeremiah Tatum, Willow Ave. Church of Christ, Cookeville, TN.

Representative Butt led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 99

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1570** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 2167** Rep(s). Hardaway, H. Brooks, Favors and Brown as prime sponsor(s).

**House Bill No. 2215** Rep(s). K. Brooks as prime sponsor(s).

**House Bill No. 2286** Rep(s). Favors, Shipley, Weaver, Moore, Cobb, Keisling, Powers, Evans, Lollar, Holt, Montgomery and Shepard as prime sponsor(s).

**House Bill No. 2639** Rep(s). K. Brooks as prime sponsor(s).

**House Bill No. 2691** Rep(s). McDonald as prime sponsor(s).

**House Bill No. 3009** Rep(s). Holt and Alexander as prime sponsor(s).

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**House Bill No. 3178** Rep(s). Hardaway, J. Turner, Brown and Favors as prime sponsor(s).

**House Bill No. 3611** Rep(s). Matheny and R. Williams as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR**  
**April 13, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3833 and 3856; also House Joint Resolution(s) No(s). 849, 850, 851, 852 and 860; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**MESSAGE FROM THE SENATE**  
**April 13, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 853, 854, 855, 856, 857, 858, 859, 861 and 862; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 13, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 742, 743, 744, 745, 746, 747, 748, 749 and 750; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 742** -- Memorials, Heroism - Master Sergeant Michael Trost. by \*Overbey, \*Faulk, \*Massey.

**Senate Joint Resolution No. 743** -- Memorials, Academic Achievement - Darius McGee, Salutatorian, Douglass High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 744** -- Memorials, Academic Achievement - Ashley Laprese Caston, Valedictorian, Douglass High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 745** -- Memorials, Academic Achievement - Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 746** -- Memorials, Academic Achievement - Maira A. Lopez, Salutatorian, Raleigh-Egypt High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 747** -- Memorials, Personal Occasion - Nell Goodson, 101st birthday. by \*Faulk.

**Senate Joint Resolution No. 748** -- Memorials, Recognition - Iris Thompson, 2012 Super Senior. by \*Yager.

**Senate Joint Resolution No. 749** -- Memorials, Recognition - Rusty Branstetter, 2012 Super Senior. by \*Yager.

**Senate Joint Resolution No. 750** -- Memorials, Death - Paul Edward Meyers II. by \*Finney L, \*Herron.

**MESSAGE FROM THE SENATE**  
**April 13, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 785; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**  
**April 13, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 785.

**MESSAGE FROM THE SENATE**  
**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2407, 2420, 2463, 2617, 2735, 2999, 3222, 3223 and 3227; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 2407** -- Controlled Substances - As introduced, expands responsibility to report under "doctor shopping" laws; permits hospitals access to database for certain purposes and immunizes them from liability; requires photo identification for persons picking up prescriptions; allows federal law enforcement to access database without warrant; requires real-time access for law enforcement and pharmacists; requires pain clinics to be owned by Tennessee doctors or hospitals; penalizes interference with pharmacists' decisions to fill prescriptions; requires methadone clinics to query database. - Amends TCA Title 39, Chapter 17, Part 4; Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Section 53-11-402; Title 63, Chapter 1, Part 3; Title 63, Chapter 10, Part 2 and Title 71, Chapter 5, Part 26. by \*McNally, \*Burks, \*Overbey, \*Yager, \*Massey. (HB2569 by \*Dunn)

**Senate Bill No. 2420** -- Beer - As introduced, requires persons applying for permit to sell beer for off-premise consumption to become certified under "Tennessee Responsible Vendor Act of 2006." - Amends TCA Title 57, Chapter 5. by \*McNally, \*Faulk. (\*HB2402 by \*Ragan)

**Senate Bill No. 2463** -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with secretary of state after January 1, 2011. by \*Bell, \*Faulk. (\*HB2575 by \*Cobb)

**MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*Senate Bill No. 2617** -- Motor Vehicles - As introduced, inserts an omitted reference to the 10-day period within which an owner of a garage, trailer park or lot must report abandoned vehicles; increases, from 14 to 20 days, the grace period for certain members of the military to renew registrations upon returning to Tennessee after being stationed overseas. - Amends TCA Title 55. by \*Tracy, \*Beavers. (HB2799 by \*Johnson P, \*Pody)

**\*Senate Bill No. 2735** -- State Government - As introduced, authorizes the state building commission to allocate energy efficient commercial building tax deductions from the IRS to persons designing such buildings. - Amends TCA Title 4, Chapter 15 and Title 12, Chapter 3. by \*Johnson. (HB2911 by \*Haynes)

**Senate Bill No. 2999** -- Special License Plates - As introduced, authorizes until July 1, 2013, for sufficient number of applicants for Sigma Gamma Rho license plates. - Amends TCA Section 55-4-261. by \*Marrero, \*Ford, \*Kelsey, \*Kyle, \*Norris, \*Tate, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Ketron, \*Massey, \*McNally, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tracy, \*Watson, \*Yager, \*Ramsey. (\*HB2647 by \*Turner J, \*Cooper B)

**Senate Bill No. 3222** -- Courts - As introduced, authorizes creation of veterans' courts to address particular concerns of veterans suffering from post traumatic stress and other conditions arising from military service. - Amends TCA Title 16. by \*McNally, \*Henry, \*Burks, \*Crowe, \*Harper, \*Massey, \*Overbey, \*Tate. (\*HB3394 by \*Ragan, \*Sexton, \*Eldridge)

**Senate Bill No. 3223** -- Planning, Public - As introduced, enacts the "Tennessee Local Land Bank Pilot Program." - Amends TCA Title 13. by \*McNally, \*Yager. (\*HB3400 by \*Ragan)

**\*Senate Bill No. 3227** -- Utilities, Utility Districts - As introduced, revises provisions governing the creation of a utility district. - Amends TCA Title 7, Chapter 82. by \*Burks. (HB3541 by \*Sexton)

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3257 and 3803; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 3257** -- Child Custody and Support - As introduced, requires the department of human services and juvenile court or district attorney general to undertake public awareness campaign in counties implementing responsible teen parent pilot project that includes the means the department may use to collect child support. - Amends TCA Title 36; Title 37 and Title 39. by \*Ford, \*Marrero. (\*HB3178 by \*Camper)

**Senate Bill No. 3803** -- Johnson County - As introduced, subject to local approval, repeals the road commissioners. by \*Ramsey. (HB3873 by \*Campbell)

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: The Senate moved to lift from the table the motion to reconsider House Bill(s) No(s). 3633. The Senate moved to reconsider its action in adopting Amendment(s) No(s). 2 and 3. The Senate adopted Amendment(s) No(s). 4 and repassed House Bill(s) No(s). 3633.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 806; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 806** -- Memorials, Recognition - Charlie and Mary Gladys Sledge. by \*Finney L.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representative Womick was recognized in the Well in order to introduce the Blackman High School Cheerleading Squad and their coach, Heather Wortman, for remarks.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 776, previously adopted on March 19, 2012, which honored and congratulated the members of the Blackman High School Cheerleading Squad on winning the Small Varsity Coed Division II National Championship.

**House Joint Resolution No. 776** -- Memorials, Sports - Blackman High School cheerleading squad, National Champion. by \*Womick, \*Carr, \*Sparks.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 17, 2012:

**House Resolution No. 245** -- Memorials, Retirement - Velma H. Whitelo. by \*Turner J.

**House Resolution No. 246** -- Memorials, Interns - Tricia N. "Niki" Collis. by \*Pitts, \*Shepard, \*Curtiss.

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**House Joint Resolution No. 932** -- Memorials, Recognition - Richard Sterban. by \*Maggart.

**House Joint Resolution No. 937** -- Memorials, Death - Autumn Ford Jennings. by \*Haynes.

**House Joint Resolution No. 938** -- Memorials, Recognition - Ryan Dalton, Director of Anti-trafficking Operations with Operation Broken Silence. by \*Coley.

**House Joint Resolution No. 939** -- Memorials, Interns - Anika A. Evans. by \*Cooper B.

**House Joint Resolution No. 940** -- Memorials, Interns - Kirbi M. Tucker. by \*Cooper B.

**House Joint Resolution No. 941** -- Memorials, Personal Achievement - Christopher Andrew Neal, Eagle Scout. by \*Swann.

**House Joint Resolution No. 942** -- Memorials, Recognition - Bill Ketchum. by \*Moore.

**House Joint Resolution No. 943** -- Memorials, Academic Achievement - Amber Ruth Shults, Valedictorian, Maryville Christian School. by \*Ramsey.

**House Joint Resolution No. 944** -- Memorials, Academic Achievement - David Christopher Keylon, Salutatorian, Maryville Christian School. by \*Ramsey.

**House Joint Resolution No. 945** -- Memorials, Academic Achievement - Emily Magee Guillaume, Valedictorian, William Blount High School. by \*Ramsey.

**House Joint Resolution No. 946** -- Memorials, Academic Achievement - Adam Michael Barton, Salutatorian, William Blount High School. by \*Ramsey.

**House Joint Resolution No. 948** -- Memorials, Interns - Demetria Johnson. by \*Carr.

**House Joint Resolution No. 949** -- Memorials, Recognition - Kinser Church of God, 100th anniversary. by \*Watson.

**House Joint Resolution No. 950** -- Memorials, Recognition - Tennessee Scholastic Clay Target Program. by \*Matheny.

**House Joint Resolution No. 951** -- Memorials, Interns - Charles Michael Robinson. by \*Naifeh.

**House Joint Resolution No. 954** -- Memorials, Professional Achievement - Debbie Maples, Lewis County Elementary School Teacher of the Year. by \*Hensley.

**House Joint Resolution No. 955** -- Memorials, Professional Achievement - Judy Duncan, Lewis County Intermediate School Teacher of the Year. by \*Hensley.

**House Joint Resolution No. 956** -- Memorials, Professional Achievement - Jim Milan, Lewis County High School Teacher of the Year. by \*Hensley.

**House Joint Resolution No. 957** -- Memorials, Professional Achievement - Sue Sharp, Lewis County Middle School Teacher of the Year. by \*Hensley.

**House Joint Resolution No. 958** -- Memorials, Recognition - Tennessee State University, 100th anniversary of founding. by \*Gilmore.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 17, 2012:

**Senate Joint Resolution No. 742** -- Memorials, Heroism - Master Sergeant Michael Trost. by \*Overbey, \*Faulk, \*Massey.

**Senate Joint Resolution No. 743** -- Memorials, Academic Achievement - Darius McGee, Salutatorian, Douglass High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 744** -- Memorials, Academic Achievement - Ashley Laprese Caston, Valedictorian, Douglass High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 745** -- Memorials, Academic Achievement - Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 746** -- Memorials, Academic Achievement - Maira A. Lopez, Salutatorian, Raleigh-Egypt High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 747** -- Memorials, Personal Occasion - Nell Goodson, 101st birthday. by \*Faulk.

**Senate Joint Resolution No. 748** -- Memorials, Recognition - Iris Thompson, 2012 Super Senior. by \*Yager.

**Senate Joint Resolution No. 749** -- Memorials, Recognition - Rusty Branstetter, 2012 Super Senior. by \*Yager.

**Senate Joint Resolution No. 750** -- Memorials, Death - Paul Edward Meyers II. by \*Finney L, \*Herron.

**Senate Joint Resolution No. 806** -- Memorials, Recognition - Charlie and Mary Gladys Sledge. by \*Finney L.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2407** -- Controlled Substances - As introduced, expands responsibility to report under "doctor shopping" laws; permits hospitals access to database for certain purposes and immunizes them from liability; requires photo identification for persons picking up prescriptions; allows federal law enforcement to access database without warrant; requires real-time access for law enforcement and pharmacists; requires pain clinics to be owned by Tennessee doctors or hospitals; penalizes interference with pharmacists' decisions to fill prescriptions; requires methadone clinics to query database. - Amends TCA Title 39, Chapter 17, Part 4; Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Section 53-11-402; Title 63, Chapter 1, Part 3; Title 63, Chapter 10, Part 2 and Title 71, Chapter 5, Part 26. by \*McNally, \*Burks, \*Overbey, \*Yager, \*Massey. (HB2569 by \*Dunn)

**Senate Bill No. 2420** -- Beer - As introduced, requires persons applying for permit to sell beer for off-premise consumption to become certified under "Tennessee Responsible Vendor Act of 2006." - Amends TCA Title 57, Chapter 5. by \*McNally, \*Faulk. (\*HB2402 by \*Ragan)

**Senate Bill No. 2463** -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with secretary of state after January 1, 2011. by \*Bell, \*Faulk. (\*HB2575 by \*Cobb)

**\*Senate Bill No. 2617** -- Motor Vehicles - As introduced, inserts an omitted reference to the 10-day period within which an owner of a garage, trailer park or lot must report abandoned vehicles; increases, from 14 to 20 days, the grace period for certain members of the military to renew registrations upon returning to Tennessee after being stationed overseas. - Amends TCA Title 55. by \*Tracy, \*Beavers. (HB2799 by \*Johnson P, \*Pody)

**\*Senate Bill No. 2735** -- State Government - As introduced, authorizes the state building commission to allocate energy efficient commercial building tax deductions from the IRS to persons designing such buildings. - Amends TCA Title 4, Chapter 15 and Title 12, Chapter 3. by \*Johnson. (HB2911 by \*Haynes)

**Senate Bill No. 2999** -- Special License Plates - As introduced, authorizes until July 1, 2013, for sufficient number of applicants for Sigma Gamma Rho license plates. - Amends TCA Section 55-4-261. by \*Marrero, \*Ford, \*Kelsey, \*Kyle, \*Norris, \*Tate, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Ketron, \*Massey, \*McNally, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tracy, \*Watson, \*Yager, \*Ramsey. (\*HB2647 by \*Turner J, \*Cooper B)

**Senate Bill No. 3222** -- Courts - As introduced, authorizes creation of veterans' courts to address particular concerns of veterans suffering from post traumatic stress and other conditions arising from military service. - Amends TCA Title 16. by \*McNally, \*Henry, \*Burks, \*Crowe, \*Harper, \*Massey, \*Overbey, \*Tate. (\*HB3394 by \*Ragan, \*Sexton, \*Eldridge)

**Senate Bill No. 3223** -- Planning, Public - As introduced, enacts the "Tennessee Local Land Bank Pilot Program." - Amends TCA Title 13. by \*McNally, \*Yager. (\*HB3400 by \*Ragan)



**\*Senate Bill No. 3227** -- Utilities, Utility Districts - As introduced, revises provisions governing the creation of a utility district. - Amends TCA Title 7, Chapter 82. by \*Burks. (HB3541 by \*Sexton)

### CONSENT CALENDAR

**\*House Bill No. 2575** -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with secretary of state after January 1, 2011. by \*Cobb.

On motion, House Bill No. 2575 was made to conform with **Senate Bill No. 2463**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 190** -- Court Rules - Approves amendments and revisions to Tennessee rules of evidence. by \*Watson, \*Gotto.

**House Resolution No. 191** -- Court Rules - Approves amendments and revisions to Tennessee rules of juvenile procedure. by \*Watson, \*Gotto.

**House Resolution No. 192** -- Court Rules - Approves amendments and revisions to Tennessee rules of criminal procedure. by \*Watson, \*Gotto.

**House Resolution No. 193** -- Court Rules - Approves amendments and revisions to Tennessee rules of civil procedure. by \*Watson, \*Gotto.

**House Resolution No. 194** -- Court Rules - Approves amendments and revisions to Tennessee rules of appellate procedure. by \*Watson, \*Gotto.

**House Bill No. 3873** -- Johnson County - As introduced, subject to local approval, repeals the road commissioners. by \*Campbell.

On motion, House Bill No. 3873 was made to conform with **Senate Bill No. 3803**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 3872** -- Monroe County - As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Monroe County school districts. - Amends Chapter 117 of the Private Acts of 1963. by \*Matlock.

On motion, House Bill No. 3872 was made to conform with **Senate Bill No. 3801**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2714** -- Highway Signs - As introduced, names bridge in Sullivan County in honor of the late Richard Lee Edwards, Sr. by \*Shipley.

**\*House Joint Resolution No. 636** -- Naming and Designating - "Tennessee Recyclers Day" in Tennessee, April 26, 2012. by \*Matheny.

**\*Senate Joint Resolution No. 533** -- Naming and Designating - "Children's Mental Health Week," May 6-12, 2012. by \*Overbey, \*Berke, \*Faulk, \*Finney L.

**House Resolution No. 242** -- Memorials, Recognition - Old Oak Festival. by \*Hawk.

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**House Resolution No. 243** -- Memorials, Interns - Melinda Price. by \*Niceley, \*Halford, \*Keisling.

**House Resolution No. 244** -- Memorials, Interns - Shelby Stephens. by \*Sargent.

**House Joint Resolution No. 914** -- Memorials, Interns - Kirstin Leigh Cheers. by \*Towns.

**House Joint Resolution No. 915** -- Memorials, Death - Erma Lee Laws. by \*Hardaway, \*Parkinson, \*White, \*Miller L, \*Todd, \*Cooper B, \*Towns, \*Richardson, \*Camper, \*Coley, \*Lollar, \*Kernell, \*McManus, \*DeBerry J.

**House Joint Resolution No. 916** -- Memorials, Recognition - Kappa Alpha Psi Fraternity, Inc., Day on the Hill. by \*Miller L, \*Towns, \*Armstrong, \*DeBerry J, \*Shaw.

**House Joint Resolution No. 917** -- Memorials, Interns - Terry Edwards, Jr. by \*Miller L, \*Camper, \*Harmon, \*Stewart.

**House Joint Resolution No. 918** -- Memorials, Death - Sheril Elliott. by \*Halford.

**House Joint Resolution No. 919** -- Memorials, Academic Achievement - Wesley Jeffers, Salutatorian, Oneida High School. by \*Keisling.

**House Joint Resolution No. 920** -- Memorials, Academic Achievement - Shawna Simpson Valedictorian, Scott County High School. by \*Keisling.

**House Joint Resolution No. 921** -- Memorials, Academic Achievement - Taylon Brewster, Salutatorian, Scott County High School. by \*Keisling.

**House Joint Resolution No. 922** -- Memorials, Academic Achievement - Emily Hamlett, Salutatorian, Scott County High School. by \*Keisling.

**House Joint Resolution No. 923** -- Memorials, Academic Achievement - Sydney Lovett, Valedictorian, Oneida High School. by \*Keisling.

**House Joint Resolution No. 924** -- Memorials, Academic Achievement - Shaun Boles, Salutatorian, Jackson County High School. by \*Keisling.

**House Joint Resolution No. 925** -- Memorials, Academic Achievement - Alyssa Stafford, Valedictorian, Jackson County High School. by \*Keisling.

**House Joint Resolution No. 926** -- Memorials, Academic Achievement - Jane Anne Suiter, Salutatorian, Pickett County High School. by \*Keisling.

**House Joint Resolution No. 927** -- Memorials, Academic Achievement - Stuart Neal, Valedictorian, Pickett County High School. by \*Keisling.

**House Joint Resolution No. 928** -- Memorials, Personal Achievement - Jesse Malenfant, Eagle Scout. by \*Ramsey.

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**House Joint Resolution No. 929** -- Memorials, Academic Achievement - Susanna Gabriel Sneed, Salutatorian, Maryville High School. by \*Ramsey.

**House Joint Resolution No. 930** -- Memorials, Academic Achievement - Bradley Hayes Vorjohan, Valedictorian, Maryville High School. by \*Ramsey.

**House Joint Resolution No. 931** -- Memorials, Recognition - Watertown High School, 100th anniversary. by \*Pody.

**Senate Joint Resolution No. 734** -- Memorials, Academic Achievement - Alec Mullen, Salutatorian, Mount Juliet High School. by \*Beavers.

**Senate Joint Resolution No. 735** -- Memorials, Academic Achievement - Forrest Goodwin, Valedictorian, Mt. Juliet High School. by \*Beavers.

**Senate Joint Resolution No. 736** -- Memorials, Recognition - Catholic Diocese of Nashville, 175th Anniversary. by \*Henry, \*Ford, \*Gresham, \*Herron, \*McNally.

**Senate Joint Resolution No. 737** -- Memorials, Retirement - Clint Parnell. by \*Haynes.

**Senate Joint Resolution No. 739** -- Memorials, Retirement - Assistant Chief James T. Carroll, Chattanooga Police Department. by \*Watson, \*Berke.

**Senate Joint Resolution No. 740** -- Memorials, Death - Haynes Edwin Elliott. by \*Crowe.

**Senate Joint Resolution No. 741** -- Memorials, Recognition - Patsy Hazlewood, 2012 Tennessee Woman of Distinction. by \*Berke, \*Ford, \*Watson.

Rep. Gilmore moved that the Davidson County delegation be added as co-prime sponsors on Senate Joint Resolution No. 736, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	99
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan,

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Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 3619** -- Agriculture, Dept. of - As introduced, requires commissioner to post and keep current on the department's web site statistics and other information relative to Tennessee's equine industry compiled by the department. - Amends TCA Title 39, Chapter 14; Title 43, Chapter 1; Title 44 and Title 53, Chapter 7. by \*Holt. (SB3461 by \*Faulk)

Further consideration of House Bill No. 3619 previously considered on March 19, 2012 and April 9, 2012, at which time it was reset for today's Regular Calendar.

### BILL HELD ON DESK

Rep. Holt moved that House Bill No. 3619 be held on the Clerk's desk, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 3616** -- Education - As introduced, enacts the "Religious Viewpoints Antidiscrimination Act." - Amends TCA Title 49, Chapter 6. by \*Holt, \*Casada, \*Butt, \*Cobb, \*Faison. (SB3632 by \*Roberts, \*Summerville)

Further consideration of House Bill No. 3616 previously considered on April 9, 2012, at which time it was reset for today's Regular Calendar.

### BILL HELD ON DESK

Rep. Holt moved that House Bill No. 3616 be held on the Clerk's desk, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 2562** -- Orders of Protection - As introduced, authorizes a judge to order parties to mediation who have sworn petitions for orders of protection against one another. - Amends TCA Title 36, Chapter 3, Part 6. by \*Hardaway, \*Parkinson. (\*SB2388 by \*Campfield)

Further consideration of House Bill No. 2562 previously considered on April 9, 2012, at which time it was reset for today's Regular Calendar.

Rep. Hardaway requested that House Bill No. 2562 be moved down 4 places on the Calendar.

**\*House Bill No. 2167** -- Education - As introduced, requires interest inventories to be administered to high school juniors and college sophomores to assist students in career decisions. - Amends TCA Title 49. by \*Coley. (SB2591 by \*Marrero, \*Ford, \*Harper, \*Tate)

On motion, House Bill No. 2167 was made to conform with **Senate Bill No. 2591**; the Senate Bill was substituted for the House Bill.

Rep. Coley moved that Senate Bill No. 2591 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Coley moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2167 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new, appropriately designated section:

49-6-4\_\_\_. An interest inventory such as the Kuder assessment, Myers-Briggs Indicator personality inventory, the ASVAB, the EXPLORE administered by ACT, Inc. or MyRoad provided by the College Board, or other interest or career inventory shall be available to all public middle schoolers or ninth graders to assist students in determining their interests and in making career decisions. Summary data obtained from the interest inventories and personality profiles administered under this section shall be sent annually by the LEAs to the state board of education. The state board shall consider the data in making decisions concerning curricula for public school students that is relevant to their career decisions and academic strengths and weaknesses.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1\_\_\_. An interest inventory such as the Kuder assessment, Myers-Briggs Type Indicator personality inventory, the ASVAB or other interest or career exploration inventory shall be available to all public postsecondary students beginning in their freshman year as a follow up to the interest inventory available to all public middle schoolers or ninth graders and to further assist students in determining their interests and in making career decisions. Summary data obtained from the interest inventories and personality profiles administered under this section shall be sent annually by the postsecondary institutions to the state board of education. The state board shall consider the data in making decisions concerning curricula for public school students that is relevant to their career decisions and academic strengths and weaknesses.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.

Rep. Coley moved adoption of Amendment No. 1 to 2 as follows:

**Amendment No. 1 of 2**

AMEND House Bill No. 2167 By deleting the date "July 1, 2013" in Section 3, as amended, and by substituting instead the date "July 1, 2012".

On motion, Amendment No. 1 to 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. Coley moved that **Senate Bill No. 2591**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

**\*House Bill No. 3178** -- Child Custody and Support - As introduced, requires the department of human services and juvenile court or district attorney general to undertake public awareness campaign in counties implementing responsible teen parent pilot project that includes the means the department may use to collect child support. - Amends TCA Title 36; Title 37 and Title 39. by \*Camper. (SB3257 by \*Ford)

On motion, House Bill No. 3178 was made to conform with **Senate Bill No. 3257**; the Senate Bill was substituted for the House Bill.

Rep. Camper moved that **Senate Bill No. 3257** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J,  
4966

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DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Parkinson voted “aye” on **Senate Bill No. 3257**.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 3112** -- Insurance Companies, Agents, Brokers, Policies - As introduced, exempts certain insurers of commercial risk insurance from filing with the commissioner of commerce and insurance all rates, supplementary rate information, policy forms and endorsements; requires such insurers to place a written disclaimer of such exemption in the policy or application. - Amends TCA Title 56, Chapter 5. by \*Curtiss. (\*SB2596 by \*Ketron)

On motion, House Bill No. 3112 was made to conform with **Senate Bill No. 2596**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 2596 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Curtiss moved that **Senate Bill No. 2596** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

**MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

Representatives voting no were: McDonald -- 1

A motion to reconsider was tabled.

**House Bill No. 2562** -- Orders of Protection - As introduced, authorizes a judge to order parties to mediation who have sworn petitions for orders of protection against one another. - Amends TCA Title 36, Chapter 3, Part 6. by \*Hardaway, \*Parkinson. (\*SB2388 by \*Campfield)

Further consideration of House Bill No. 2562 previously considered on today's Calendar.

Rep. Hardaway moved that House Bill No. 2562 be reset for the Regular Calendar on April 17, 2012, which motion prevailed.

**\*House Bill No. 1570** -- Short Term Loans and Lenders - As introduced, requires all pawnbrokers to take thumbprint of any person pledging property at a pawnshop; requires pawnbrokers to require state or federal photo identification card of anyone pawning property and photocopy such identification. - Amends TCA Title 45, Chapter 6, Part 2. by \*Swann. (SB1864 by \*Overbey, \*Burks, \*Herron)

On motion, House Bill No. 1570 was made to conform with **Senate Bill No. 1864**; the Senate Bill was substituted for the House Bill.

Rep. Swann moved that Senate Bill No. 1864 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McManus moved that Commerce Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Swann requested that Senate Bill No. 1864 be moved to the heel of the Calendar.

**House Bill No. 2629** -- Professions and Occupations - As introduced, authorizes law enforcement officials on duty to help persons gain entry to their locked motor vehicle without being licensed as locksmiths. - Amends TCA Section 62-11-105. by \*Swann, \*Marsh. (\*SB2284 by \*Faulk)

Rep. Swann moved that House Bill No. 2629 be reset for the Regular Calendar on April 18, 2012, which motion prevailed.

**House Bill No. 3595** -- Municipal Government - As introduced, extends date from July 1, 2012, to July 1, 2014, on expansion of urban growth boundaries for certain tracts of land 10 acres or smaller. - Amends TCA Section 6-58-104. by \*Lundberg. (\*SB3165 by \*Faulk)

On motion, House Bill No. 3595 was made to conform with **Senate Bill No. 3165**; the Senate Bill was substituted for the House Bill.



**MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Lundberg moved that Senate Bill No. 3165 be passed on third and final consideration.

Rep. K. Williams moved the previous question, which motion prevailed.

Rep. Lundberg moved that **Senate Bill No. 3165** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

A motion to reconsider was tabled.

**\*House Bill No. 2286** -- Criminal Offenses - As introduced, creates Class E felony of manufacturing or selling an imitation controlled substance and the Class A misdemeanors of ingesting an imitation controlled substance and possessing an imitation controlled substance for the purpose of ingesting it. - Amends TCA Title 39, Chapter 17, Part 4. by \*Lundberg, \*Sexton, \*Ford, \*Turner M, \*Hill, \*Dean, \*Alexander, \*Curtiss, \*Womick, \*Carr, \*Floyd, \*Miller D, \*Pitts, \*Coley, \*Sparks, \*Ramsey, \*Forgety, \*Todd, \*Naifeh, \*DeBerry L, \*McDaniel, \*Harwell, \*Casada, \*Sargent, \*Camper, \*Sanderson, \*Parkinson, \*Wirgau, \*McManus, \*White, \*Ragan, \*Williams K, \*Campbell, \*Roach, \*Harrison, \*Eldridge. (SB2280 by \*Faulk, \*Crowe, \*Johnson, \*Massey, \*Overbey, \*Southerland, \*Yager, \*Ramsey, \*Burks)

Rep. Lundberg moved that House Bill No. 2286 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Casada requested that Health and Human Resources Committee Amendment No. 1, as House Amendment No. 2, be moved to the heel.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1, as House Amendment No. 3, as follows:

**Amendment No. 3**

AMEND House Bill No. 2286 by deleting all language after the enacting clause and by substituting instead the following:

4969

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

39-17-453

(a) It is an offense to knowingly manufacture, deliver, sell, or possess with the intent to sell, deliver or manufacture an imitation controlled substance.

(b) No person shall, for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system, or disturbing or distorting of the audio or visual processes, intentionally smell, inhale, inject, ingest or consume in any manner whatsoever an imitation controlled substance.

(c) No person shall, for the purpose of violating subsection (b), use, or possess for the purpose of so using, an imitation controlled substance.

(d) For purposes of this section "imitation controlled substance" means a pill, capsule, tablet, or substance in any form whatsoever:

(1) Which is not a controlled substance enumerated in this part, which is subject to abuse, and which by express or implied representations, purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the United States food and drug administration; and

(2) The chemical structure of which is a derivative of, or substantially similar to, the chemical structure of a controlled substance.

(e)

(1) In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an "imitation controlled substance," there shall be considered, in addition to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.

(2) In determining whether any person intends to manufacture, sell, give or distribute an imitation controlled substance, it may be inferred from, in addition to all other relevant evidence, whether any distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever included an exchange of or a demand for money or other property as consideration, and, if so, whether the amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule, tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter substances of like chemical composition sell. Such inference shall be transmitted to the jury by the trial judge's charge.

(f)

(1) A violation of subsection (a) is a Class E felony. In addition to any period of incarceration imposed, there shall be imposed a fine of not less than two thousand dollars (\$2,000) and not more than five thousand dollars (\$5,000).

(2) A violation of subsection (b) or (c) is a Class A misdemeanor. In addition to any period of incarceration imposed, there shall be imposed a fine of not less than two hundred and fifty dollars (\$250) and not more than twenty-five hundred dollars (\$2,500).

(g) The building and premises of any business in or upon which a violation of this section is committed by an employee, agent or owner of such business is declared to be a public nuisance and shall be subject to abatement as provided in title 29, chapter 3, part 1.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Lundberg moved that **House Bill No. 2286**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford,

**MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

**\*House Bill No. 2633** -- Clerks, Court - As introduced, increases by \$2.00 the filing fee charged by clerks and data fee entry chargeable by clerks, except in certain cases brought by the state and state agencies. - Amends TCA Section 8-21-401 and Section 8-21-409. by \*Lundberg. (SB2853 by \*Yager)

Rep. Lundberg moved that **House Bill No. 2633** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	79
Noes.....	14
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Turner J, Turner M, Watson, White, Williams R, Womick, Madam Speaker Harwell -- 79

Representatives voting no were: Alexander, Butt, Carr, Elam, Evans, Hall, Haynes, Hensley, Montgomery, Pody, Weaver, Williams K, Windle, Wirgau -- 14

Representatives present and not voting were: Cooper, Powers -- 2

A motion to reconsider was tabled.

**\*House Bill No. 2691** -- Special License Plates - As introduced, authorizes issuance of brain injury awareness new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to Brain Injury Association of Tennessee. - Amends TCA Title 55, Chapter 4. by \*Lundberg. (SB2755 by \*Southerland, \*Burks, \*Marrero)

On motion, House Bill No. 2691 was made to conform with **Senate Bill No. 2755**; the Senate Bill was substituted for the House Bill.

Rep. Lundberg moved that **Senate Bill No. 2755** be passed on third and final consideration, which motion prevailed by the following vote:

4972

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Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Holt.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Montgomery.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “present and not voting” on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Sparks.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Towns.

### REGULAR CALENDAR

**\*House Bill No. 2372** -- Taxes - As introduced, redefines "intangible expense" under the Excise Tax Law; revises other various tax provisions. - Amends TCA Title 67. by \*McCormick. (SB2234 by \*Norris, \*Overbey)

Rep. McCormick moved that House Bill No. 2372 be passed on third and final consideration.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

### Amendment No. 1

AMEND House Bill No. 2372 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-2004(23), is amended by deleting the current language in its entirety and by substituting instead the following:

(23) "Intangible expense" means an expense related to, or in connection with, the acquisition, use, maintenance, management, ownership, sale, exchange, license, or any other disposition of intangible property, to the extent such amounts are allowed or allowable as deductions or costs in determining federal taxable income on a separate entity basis. "Intangible expense" also means interest expenses directly or indirectly allowed as deductions or costs in determining federal taxable income on a separate entity basis to the extent such interest expenses are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, license, or any other disposition of intangible property.

SECTION 2. Tennessee Code Annotated, Section 67-4-2006(b)(2)(N), is amended by deleting the current language in its entirety and by substituting instead the following:

(N)

(i) Any intangible expense, or portion thereof, that is paid, accrued or incurred in connection with a transaction with one (1) or more affiliates if the commissioner determines, upon application by the taxpayer, that such expense, or portion thereof, did not have as its principal purpose the avoidance of the tax levied by this part. The commissioner's review of the taxpayer's application shall include the considerations outlined in § 67-4-2014(c). The commissioner shall approve any application for the deduction of any intangible expense, or portion thereof, that is:

(a) Paid, accrued, or incurred to an affiliate in a foreign nation that is a signatory to a comprehensive income tax treaty with the United States;

(b) Paid, accrued, or incurred to an affiliate when the affiliate, during the same taxable year, has directly or indirectly paid, accrued or incurred such portion to an entity that is not an affiliate; or

(c) Paid, accrued, or incurred to an affiliate doing business in, or deriving income from, a state that imposes a tax on or measured by net income and, under that state's laws, the affiliate is subject to an income tax in that state. The portion of the intangible expense that will be approved for the deduction is that portion that, after applying the allocation and apportionment rules of the state, has been

allocated or apportioned by the affiliate to that state. For purposes of this subdivision (b)(2)(N)(i)(c), the term "state" means a state of the United States of America, including the District of Columbia, and any United States possession or territory, but does not include those states under whose laws the taxpayer and the affiliate file or are included in a combined income tax report or return, a consolidated income tax report or return, or any other report or return of net income that includes the taxpayer and the affiliate and where such return or report results in the affiliate's intangible income being offset or matched by the taxpayer's deduction in that state's report or return.

(ii)

(a) Except as provided in subdivisions (b)(2)(N)(ii)(b) or (b)(2)(N)(ii)(c), the taxpayer's application for the deduction in subdivision (b)(2)(N)(i) shall be made at such time and upon such forms and in such manner as prescribed by the commissioner and shall include such information as the commissioner may require.

(b) Any taxpayer whose deduction is based on the criteria set forth in subdivisions (b)(2)(N)(i)(a)-(c) shall be entitled to provide notice to the commissioner at the time of filing its return, rather than by making application sixty (60) days prior to the due date of the return as set forth in subdivision (b)(2)(N)(iii)(c).

(c) The commissioner may, through a conference with the taxpayer, review the facts and circumstances of the taxpayer's proposed intangible expense deduction and, by letter, agree that the taxpayer may be relieved of the requirement to file an application as otherwise provided herein.

(iii)

(a) If the commissioner approves the intangible expense deduction, or a portion thereof, such determination shall remain in effect so long as the taxpayer submits annually to the commissioner a certification that the facts and circumstances surrounding the transaction remain substantially unchanged; provided, however, the commissioner is authorized to require that the taxpayer reapply for the deduction beginning no sooner than five (5) years following the taxpayer's most recent application.

(b) If the commissioner denies the deduction, or a portion thereof, and the taxpayer nevertheless deducts the disallowed intangible expense, the commissioner shall

assess the taxpayer any applicable tax, interest, and penalty resulting from the disallowance of such deduction, and the taxpayer shall be entitled to the remedies contained in chapter 1, part 18, of this title to contest such assessment.

(c) If the application is submitted to the commissioner at least sixty (60) days before the due date of the return and the commissioner has neither approved nor denied the application by the due date of the return, no penalty shall be assessed based on any disallowance of the deduction for intangible expenses, and no interest shall accrue on any such assessment from the due date of the return until the date upon which the commissioner issues a denial of the application.

SECTION 3. Tennessee Code Annotated, Section 67-4-2006(b)(2)(O), is amended by deleting the language “is not disclosed as required by subdivision (d)(1) or is otherwise disallowed under the provisions of this part” and by substituting instead the language “is included in the affiliate’s Tennessee net earnings or net losses and is not deducted by the affiliate under subdivision (b)(2)(N) of this section”.

SECTION 4. Tennessee Code Annotated, Section 67-4-2006, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) Any taxpayer that pays, accrues or incurs intangible expenses as a result of a transaction with one (1) or more affiliates and fails to add such expenses to net earnings or net losses in accordance with subdivision (b)(1)(K) shall be subject to a negligence penalty as set forth in Section 67-1-804(b)(2).

SECTION 5. Tennessee Code Annotated, Section 67-1-804(b)(2), is amended by deleting the first sentence and substituting instead the following:

When any person, upon the initial filing of the person’s franchise and excise tax return, fails to comply with the requirements described in Sections 67-4-2006(d) or 67-4-2006(e) and such failure is determined by the commissioner to be due to negligence, there shall be imposed a penalty equal to the greater of ten thousand dollars (\$10,000) or fifty percent (50%) of any adjustment to the initially filed return made under Sections 67-4-2006(b)(1)(K) or 67-4-2006(e).

SECTION 6. Tennessee Code Annotated, Section 67-4-2103, is amended by adding the following as a new subsection (j):

(j)

(1) Upon written request by the taxpayer making the election under subsection (d), the commissioner is authorized, in



the commissioner's discretion, to allow the exclusion of one or more persons that would otherwise be members of the taxpayer's affiliated group, if the commissioner determines that:

(A)

(i) Such persons are included in the taxpayer's affiliated group solely by virtue of a direct or indirect interest and are so operationally remote from the taxpayer that the taxpayer would be unable to obtain the information necessary to calculate the net worth of the group if such persons were included as members; or

(ii) Such person has a direct or indirect interest in both the taxpayer and one or more persons described in subdivision (j)(1)(A)(i) and is so operationally remote from the taxpayer that the taxpayer would be unable to obtain the information necessary to calculate the net worth of the group if such person was included as a member; and

(B) The exclusion of such persons from the affiliated group would result in a fair representation of the affiliated group's consolidated net worth.

(2) Such written request shall provide such information as may be reasonably required by the commissioner and shall be submitted on or before the due date of the tax return for the period for which such exclusion is to take effect. The commissioner is authorized to accept a late request if the commissioner determines that there is a good and reasonable cause for such action. If the commissioner allows the exclusion of persons from the taxpayer's affiliated group under subdivision (j)(1), all members of the taxpayer's affiliated group shall be bound by such exclusion.

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 1, Part 1, is amended by deleting Section 67-1-114 in its entirety and by substituting instead the following:

**67-1-114.**

(a) With respect to taxes imposed under chapter 2 of this title, under chapter 4, part 20 or 21 of this title, or under chapter 8, part 1 of this title, whenever the due date for filing the return occurs on a legal holiday as defined under 26 U.S.C. § 7503, the commissioner of revenue is authorized, in the commissioner's discretion, to extend the due date of such return to the next succeeding day that is not a Saturday, Sunday or legal holiday.

(b) With respect to taxes administered and collected by the commissioner of revenue, whenever the internal revenue service generally extends for all taxpayers the due date of a federal return or extends the due date of such return for a specified group of taxpayers such as, but not limited to, those affected by a federally declared disaster, the commissioner of revenue is authorized, in the commissioner's discretion, to extend the due date for the filing of specified returns to a date that shall not be later than the last day of the extension period specified by the internal revenue service.

(c) For purposes of this section, "return" shall be deemed to include any remittance or other tax document, including, but not limited to, quarterly estimated payments and extension requests.

SECTION 8. Tennessee Code Annotated, Section 67-6-102(46)(H)(i), is amended by deleting the language "a corporation subject to Tennessee franchise, excise taxes," and by substituting instead the language "the taxpayer".

SECTION 9. Sections 1 through 5 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all tax years ending on or after July 1, 2012. Section 7 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to returns with due dates on or after April 1, 2012. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Parkinson moved adoption of Amendment No. 2 as follows:

#### **Amendment No. 2**

AMEND House Bill No. 2372 By deleting the effective date section and by substituting instead the following new sections:

SECTION \_\_. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following language as a new, appropriately designated part.

67-4-3201 This part shall be known and may be cited as the "Tennessee New Entrepreneur Tax Credit Act".

67-4-3202. This part shall be administered by the department of revenue. The purpose of this part is to provide tax credits to applicants for creating or expanding microbusinesses that contribute to the revitalization of the state's economy through the creation of new or improved income, self-employment, or other new jobs in the state. The tax credits shall be based on the demonstrated growth of an applicant's business over two (2) tax years as provided in this part.

67-4-3203. For purposes of this part, unless the context otherwise requires:

(1) "Actively engaged in the operation of a microbusiness" means personal involvement on a continuous basis in the daily management and operation of the business;

(2) "Commissioner" means the commissioner of revenue;

(3) "Department" means the department of revenue;

(4) "Equivalent employees" means the number of employees computed by dividing the total hours paid in a year by the product of forty (40) times the number of weeks in a year;

(5) "Microbusiness" means any business employing five (5) or fewer equivalent employees at the time of application. "Microbusiness" does not include a farm or livestock operation unless:

(A) The person actively engaged in the operation of the business has a net worth of not more than three hundred fifty thousand dollars (\$350,000), including any holdings by a spouse or dependent, based on fair market value; or

(B) The business's new investment or new employment is from the processing or marketing of agricultural products, aquaculture, agricultural tourism, or the production of fruits, herbs, tree products, vegetables, tree nuts, dried fruits, organic crops, or nursery crops;

(6) "New employment" means the amount by which the total compensation plus the employer cost for health insurance for employees paid during the tax year to or for employees who are Tennessee residents exceeds the total compensation plus the employer cost for health insurance for employees paid in the tax year prior to application to or for employees who are Tennessee residents. "New employment" does not include compensation to any employee that is in excess of one hundred fifty percent (150%) of the state average weekly wage;

(7) "New investment" means the increase during the tax year over the year prior to the application in the applicant's:

(A) Purchases of buildings and depreciable personal property located in this state and expenditures on repairs and maintenance on property located in this state; provided, that vehicles required to be registered for operation on the roads and highways of this state shall be excluded from the purchases and expenditures, and if the buildings or depreciable personal property are leased, the amount of new investment shall be the increase in average net annual rents multiplied by the number of years of the

lease for which the taxpayer is bound, not to exceed ten (10) years; and

(B) Expenditures on advertising, legal, and professional services;

(8) "Related persons" means any:

(A) Corporation, partnership, limited liability company, cooperative, including cooperatives exempt under § 521 of the Internal Revenue Code, limited cooperative association, or joint venture that is or would otherwise be a member of the same unitary group, if incorporated, or any person who is considered to be a related person under either § 267(b) and (c) or § 707(b) of the Internal Revenue Code; and

(B) Individual who is a spouse, parent if the taxpayer is a minor, or minor son or daughter of the taxpayer; and

(9) "Taxpayer" means any person subject to the taxes imposed by the Excise Tax Law of 1999, compiled in part 20 of this chapter, and by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, any corporation, partnership, limited liability company, cooperative, including a cooperative exempt under § 521 of the Internal Revenue Code, limited cooperative association, or joint venture that is or would otherwise be a member of the same unitary group, if incorporated, which is, or whose partners, members, or owners representing an ownership interest of at least ninety percent (90%) of the entity are, subject to the taxes, and any other partnership, limited liability company, subchapter S corporation, cooperative, including a cooperative exempt under § 521 of the Internal Revenue Code, limited cooperative association, or joint venture when the partners, shareholders, or members representing an ownership interest of at least ninety percent (90%) of the entity are subject to the taxes.

67-4-3204.

(a) The department shall accept applications for tax credits from taxpayers who are actively engaged in the operation of a microbusiness in this state or who will establish a microbusiness that they will actively operate in this state within the current or subsequent tax year. Applications shall be filed by November 1 and shall be complete by December 1 of each calendar year. Any application that is filed after November 1 or that is not complete on December 1 shall be considered to be filed during the following calendar year.

(b) The department may convene an advisory committee of individuals with expertise in small business development, lending, and community development to evaluate applications and advise the department in authorizing tentative tax credits.

(c) The application shall be on a form and in a manner prescribed by the department and shall contain:

- (1) A description of the microbusiness;
- (2) The projected income and expenditures;
- (3) The market to be served by the microbusiness and the way the expansion addresses the market;
- (4) The amount of projected investment or employment increase that would generate the credit;
- (5) The projected improvement in income or creation of new self employment or other jobs in this state;
- (6) The nature of the applicant's engagement in the operation of the microbusiness; and
- (7) Other documents, plans, and specifications as required by the department.

67-4-3205.

(a) Applications for tax credits shall be considered in the order in which they are received. If the department determines that the application meets the requirements of Section 5, that the investment or employment is eligible for the credit, and that subsection (b) is satisfied, then the department shall approve the application, authorize tentative tax credits to the applicant within the limits set forth in this section, and certify the amount of tentative tax credits approved for the applicant.

(b) To qualify for the credit provided in this part, each of the following shall be met:

- (1) The applicant is actively engaged in the operation of the microbusiness or will be actively engaged in the operation upon its establishment;
- (2) The majority of the assets of the microbusiness are located in this state or will be upon its establishment;
- (3) The applicant will make new investment or employment in the microbusiness; and

(4) The new investment or employment will create new income or jobs in this state.

(c) The department may approve applications up to the adjusted limit for each calendar year beginning January 1, 2013, through December 31, 2022. After applications totaling the adjusted limit have been approved for a calendar year, no further applications shall be approved for that year. The adjusted limit in a given year is two million dollars (\$2,000,000) plus tentative tax credits that were not granted by the end of the preceding year.

67-4-3206. Taxpayers shall be entitled to refundable tax credits against the taxes imposed by the Excise Tax Law of 1999, compiled in part 20 of this chapter, and by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, equal to twenty percent (20%) of the taxpayer's new investment or employment in the microbusiness during the tax year not to exceed the amount of tentative tax credits approved by the department under Section 6. A taxpayer shall claim the tax credit by filing a form in the manner prescribed by the commissioner and attaching the tentative tax credit certification granted by the department. Tentative tax credits expire after the end of the tax year following the year the tentative tax credit was certified. The total lifetime tax credits claimed by any one (1) taxpayer and any related person under this part shall be limited to ten thousand dollars (\$10,000).

67-4-3207. The commissioner shall submit a report including the information required by this section to the finance, ways and means committees of the senate and house of representatives on or before July 1, 2014, and each subsequent July 1. No information shall be provided in the report that is protected by state or federal confidentiality laws, including any provisions of law set forth in chapter 1, part 17, of this title. The report shall identify the following aggregate amounts for the previous calendar year:

(1) Amount of projected employment and investment anticipated by taxpayers receiving tentative tax credits and the tentative tax credits granted;

(2) Actual amount of employment and investment made by taxpayers that were granted tentative tax credits in the previous calendar year;

(3) Tax credits used; and

(4) Tentative tax credits that expired.

SECTION \_\_. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. McCormick moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

4982

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Ayes ..... 57  
Noes..... 40

Representatives voting aye were: Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 57

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Campbell, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Fitzhugh, Gilmore, Hardaway, Harmon, Hensley, Hill, Holt, Jones, Kernell, McDonald, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Tindell, Towns, Turner J, Turner M, Williams K, Windle -- 40

Rep. Brown moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2372 by deleting the effective date Section of the bill and by substituting instead the following sections:

SECTION 2. This act shall be known and may be cited as "Tennesseans Back to Work Act".

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, Part 21, is amended by adding the following as a new, appropriately designated section:

67-4-21\_\_.

(a) As used in this section:

(1) "Employer" means any entity having employees that is a taxpayer under part 20 of this chapter and this part; and

(2) "Unemployed person" means any person who meets any of the following conditions immediately preceding the person's commencement of employment with the employer:

(A) Has been terminated or laid off or who has received a notice of termination or layoff from employment, and is eligible for or has exhausted entitlement to unemployment benefits;

(B) Has been terminated or has received a notice of termination of employment as a result of any permanent closure or any layoff at a plant, facility, or enterprise, including a person who has not received written notification but whose employer has made a public announcement of the closure or layoff;

(C) Is long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the person resides;

(D) Was self-employed and is unemployed as a result of general economic conditions in the community in which the person resides or because of a flood or other natural disaster; or

(E) Experiences chronic seasonal unemployment and underemployment in the agriculture industry.

(b) There shall be allowed, for any employer, a credit against the sum total of the taxes imposed by this part, and by the Excise Tax Law of 1999, compiled in part 20 of this chapter, in an amount equal to thirty percent (30%) of the gross wages paid to each unemployed person hired on or after the effective date of this act; provided, the gross wages are paid at the rate of fourteen dollars (\$14.00) per hour or above. The amount of the credit is twenty-five percent (25%) for wage rates between twelve dollars (\$12.00) and fourteen dollars (\$14.00) per hour, and twenty percent (20%) for wage rates between ten dollars (\$10.00) and twelve dollars (\$12.00) per hour.

(c) In order for any employer to become entitled to the credit under this section, the employer shall:

(1) Provide the employment for at least twelve (12) consecutive months following the unemployed person's hire date;

(2) Employ the unemployed person no less than thirty-seven and one-half (37.5) hours per week; and

(3) Pay a wage rate of at least ten dollars (\$10.00) per hour for each job.

(d) The credit may be used to offset up to one hundred percent (100%) of the employer's franchise and excise tax liability in only one (1) tax year, and may be used only one (1) time per unemployed person; provided, that it may be allowed in the tax year in which the credit originated or, if unused in the initial tax year, it may be carried forward in any subsequent tax year for a period of up to ten (10) years.

(e) The commissioner of revenue is authorized to promulgate rules to effectuate the purposes of this section. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to tax years beginning on or after that date.



## MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. McCormick moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	57
Noes.....	35
Present and not voting.....	1

Representatives voting aye were: Brooks H, Brooks K, Campbell, Carr, Cobb, Coley, Dean, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Naifeh, Niceley, Pody, Powers, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 57

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Hensley, Holt, Jones, Kernell, McDonald, Miller L, Moore, Odom, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Tindell, Towns, Turner J, Turner M, Williams K, Windle -- 35

Representatives present and not voting were: Butt -- 1

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “no” on the tabling motion to Amendment No. 3 to **House Bill No. 2372** and have this statement entered in the Journal: Rep(s). Parkinson.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on the tabling motion to Amendment No. 3 to **House Bill No. 2372** and have this statement entered in the Journal: Rep(s). Favors.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “present and not voting” on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Forgety.

### REGULAR CALENDAR, CONTINUED

Rep. M. Turner moved the previous question, which motion prevailed.

Rep. McCormick moved that **House Bill No. 2372**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	14
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, 4985

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Eldridge, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Hensley, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Womick, Madam Speaker Harwell -- 82

Representatives voting no were: Alexander, Butt, Carr, Cooper, Elam, Evans, Faison, Hall, Haynes, Holt, McDonald, Pody, Windle, Wirgau -- 14

Representatives present and not voting were: Moore, Sparks -- 2

A motion to reconsider was tabled.

**\*House Bill No. 2459** -- Alcohol Offenses, Sales - As introduced, creates offense for person under 21 to enter establishment selling for off-premise consumption intoxicating liquors unless accompanied by a parent, legal guardian or spouse 21 years of age or older; creates offense for visibly intoxicated person to enter any such establishment. - Amends TCA Title 39, Chapter 14, Part 4; Title 39, Chapter 15, Part 4 and Title 57, Chapter 3. by \*Eldridge, \*Casada, \*Faison, \*Weaver, \*Elam, \*White, \*Sparks, \*Matlock, \*Williams K, \*Hardaway, \*Kernell, \*Shaw, \*Miller L, \*Dean, \*Lundberg. (SB2544 by \*Massey, \*Overbey, \*Faulk)

Further consideration of House Bill No. 2459 previously considered on April 5, 2012 and April 12, 2012, at which time the House withdrew Amendment(s) No(s). 1, adopted Amendment(s) No(s). 2 and 3 and it was reset for today's Regular Calendar.

Rep. Eldridge moved that House Bill No. 2459, as amended, be passed on third and final consideration.

Rep. Eldridge moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 2459 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new section:

**57-3-413.**

(a) A person may be charged with a violation of § 39-14-405, if the person is:

(1) Between the age of eighteen (18) and twenty-one (21);

(2) Visibly intoxicated; or

(3) Otherwise disruptive; and such person is asked by the owner or employee of an establishment that is a licensed as a retail package store pursuant to § 57-3-204 to leave the premises, and that person remains on the premises.

(b) If a person is a minor under the age of eighteen (18) and is asked by the owner or employee of an establishment that is a licensed as a retail package store pursuant to § 57-3-204 to leave the premises, and the minor remains on the premises, such minor commits a delinquent act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Parkinson moved the previous question, which motion prevailed.

Rep. Eldridge moved that **House Bill No. 2459**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	3
Present and not voting.....	4

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

Representatives voting no were: Cooper, Towns, Turner J -- 3

Representatives present and not voting were: Alexander, Butt, Favors, Pody -- 4

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. K. Williams voted "aye" on **House Bill No. 2459**.

REGULAR CALENDAR, CONTINUED

**Senate Bill No. 3345** -- Schools, Charter - As introduced, regulates charter schools' relationships with foreign entities and the use of non-immigrant foreign workers by charter schools. - Amends TCA Title 49, Chapter 13. by \*Ketron, \*Summerville, \*Tate, \*Tracy, \*Crowe. (\*HB3540 by \*Matheny, \*Brooks K, \*Forgety, \*Powers, \*Ragan, \*Williams R, \*Dunn, \*Carr, \*Miller D, \*Weaver, \*Holt)

Further consideration of Senate Bill No. 3345 previously considered on April 12, 2012, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1 and 2 and it was reset for today's Regular Calendar.

Rep. Matheny moved that Senate Bill No. 3345 be passed on third and final consideration.

Rep. Carr moved the previous question, which motion prevailed.

Rep. Matheny moved that **Senate Bill No. 3345** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	63
Noes.....	29
Present and not voting.....	1

Representatives voting aye were: Alexander, Bass, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Curtiss, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Hensley, Hill, Holt, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Watson, Weaver, White, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 63

Representatives voting no were: Armstrong, Brown, Camper, Coley, Cooper, Favors, Gilmore, Hardaway, Haynes, Hurley, Jones, Kernell, McCormick, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Sontany, Stewart, Tindell, Towns, Turner J, Turner M, Williams K -- 29

Representatives present and not voting were: Dean -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 3345** and have this statement entered in the Journal: Rep(s). Forgety.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "no" to "aye" on **Senate Bill No. 3345** and have this statement entered in the Journal: Rep(s). Coley.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2608** -- Short Term Loans and Lenders - As introduced, requires certain pawnbrokers and scrap jewelry and metal dealers to be bonded. - Amends TCA Title 38 and Title 45. by \*Hardaway. (SB2811 by \*Tracy)

Further consideration of House Bill No. 2608 previously considered on March 29, 2012, April 5, 2012 and April 12, 2012, at which time it was reset for today's Regular Calendar.

BILLS WITHDRAWN

On motion of Rep. Hardaway, **House Bill No. 2608** was withdrawn from the House.

REGULAR CALENDAR, CONTINUED

**Senate Bill No. 1864** -- Short Term Loans and Lenders - As introduced, requires all pawnbrokers to take thumbprint of any person pledging property at a pawnshop; requires pawnbrokers to require state or federal photo identification card of anyone pawning property and photocopy such identification. - Amends TCA Title 45, Chapter 6, Part 2. by \*Overbey, \*Burks, \*Herron. (\*HB1570 by \*Swann)

Further consideration of Senate Bill No. 1864 previously considered on today's Calendar, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment(s) No(s). 1 and 2.

Rep. Swann moved that Senate Bill No. 1864 be passed on third and final consideration.

Rep. L. DeBerry moved the previous question, which motion prevailed.

Rep. Swann moved that **Senate Bill No. 1864** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2215** -- Tort Liability and Reform - As introduced, provides immunity for first responders when using forcible entry to enter premises to render emergency medical assistance when responding to 911 call; enacts "Jaclyn's Law." - Amends TCA Title 7, Chapter 86; Title 29; Title 63, Chapter 6 and Title 68, Chapter 140. by \*Casada, \*Faison, \*Eldridge, \*Butt, \*Elam, \*Evans, \*Hardaway, \*Womick, \*Pody, \*Shipley, \*Campbell, \*Hurley, \*Moore, \*Hall, \*Keisling, \*Parkinson, \*Ragan, \*Favors, \*Gotto, \*Forgety, \*Sexton, \*White, \*Williams R, \*Brooks H, \*Sanderson, \*Miller D. (SB2480 by \*Johnson, \*Ketron, \*Bell, \*Burks)

**Senate Amendment No. 1**

AMEND House Bill No. 2215 by deleting subsections (a) and (b) of § 29-34-208 in Section 2 and by substituting instead the following:

(a) As used in this section, "first responder" means a law-enforcement officer, firefighter, emergency services personnel or other person who responds to calls for emergency assistance from a 911 call.

(b) A first responder and the responder's supervisor, agency, employer or supervising entity is immune from civil liability resulting from a forcible entry of a home, business or other structure if the first responder:

(1) Is responding to a documented 911 call for emergency assistance;

(2) Has made reasonable efforts to summon an occupant of the home, business, or structure by knocking or otherwise notifying the occupant of the first responder's presence;

(3) Has not received a response from an occupant within a reasonable period of time after making reasonable efforts pursuant to subdivision (b)(2); and

(4) Has a good faith belief that it is necessary to make a forcible entry for the purposes of rendering emergency assistance or preventing imminent bodily harm.

**Senate Amendment No. 2**

AMEND House Bill No. 2215 by deleting subdivision (b)(2) of § 29-34-208 in Section 2 and by substituting instead the following:

(2) Has made reasonable efforts to summon an occupant of the home, business, or structure that made the call by knocking or otherwise notifying the occupant of the first responder's presence;

Rep. Casada moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2215**, which motion prevailed by the following vote:

4990

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Ayes ..... 91  
Noes..... 6  
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Brown, Jones, Richardson, Sontany, Stewart, Turner M -- 6

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 2215** and have this statement entered in the Journal: Rep(s). Kernell.

#### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2639** -- Codes - As introduced, prohibits sprinkler requirements in local building codes in one-family and two-family dwellings. - Amends TCA Section 68-120-101. by \*Watson, \*Gotto, \*Todd, \*Curtiss. (\*SB2492 by \*Tracy, \*Ketron)

#### Senate Amendment No. 1

AMEND House Bill No. 2639 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8)

(A) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding this subdivision

4991

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(a)(8), local governments may adopt more stringent requirements for one-family and two-family dwellings; and

(B)

(i) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government may only adopt such requirements, by either ordinance or resolution, as appropriate, upon an affirmative two-thirds (2/3) vote on final reading; provided, that if passage of such ordinance or resolution requires two (2) readings, then such requirements may only be adopted after reading such ordinance or resolution in open session of the legislative body at meetings specially called on two (2) different days that are no less than two (2) weeks apart; and if passage requires three (3) readings, then the last two (2) readings shall occur on two (2) different days that are no less than two (2) weeks apart. Mandatory sprinkler requirements shall be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

(ii) If a local government seeks to repeal the mandatory sprinkler requirements adopted pursuant to this subdivision (a)(8), then the local government shall repeal such requirements in the same manner as required to adopt such requirements under this subdivision (a)(8); provided, that if a local government adopted mandatory sprinkler requirements prior to the effective date of this act, then the local government may repeal such requirements in the same manner the local government adopted the requirements; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

#### **Senate Amendment No. 2**

AMEND House Bill No. 2639 by deleting Section 2 in its entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 68-120-101, is amended by adding the following language as a new, appropriately designated subsection:

( ) If a local government adopts mandatory sprinkler requirements for one-family and two-family dwellings pursuant to subdivision (a)(8), then such requirements shall not apply to manufactured homes constructed or installed under parts 2 and 4 of chapter 126 of this title unless such requirements are consistent with the regulations established by the United States department of housing and urban development (HUD) relating to the installation of sprinkler equipment in manufactured homes.



SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Watson moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2639**, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	8
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 86

Representatives voting no were: Alexander, Evans, Hardaway, Hurley, Johnson P, Sargent, Turner J, Windle -- 8

Representatives present and not voting were: Dean, Favors -- 2

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 3009** -- Naming and Designating - As introduced, designates the first week in March as "Rescue Squad Week." - Amends TCA Title 15, Chapter 2, Part 1. by \*Cobb, \*Evans, \*Armstrong, \*Bass, \*Brooks H, \*Brooks K, \*Brown, \*Butt, \*Camper, \*Carr, \*Casada, \*Coley, \*Curtiss, \*Dean, \*DeBerry J, \*DeBerry L, \*Dennis, \*Dunn, \*Elam, \*Eldridge, \*Faison, \*Fitzhugh, \*Floyd, \*Ford, \*Forgety, \*Gilmore, \*Gotto, \*Halford, \*Hall, \*Hardaway, \*Harmon, \*Harrison, \*Harwell, \*Hawk, \*Haynes, \*Hensley, \*Hill, \*Johnson C, \*Johnson P, \*Jones S, \*Kernell, \*Lollar, \*Lundberg, \*Maggart, \*Marsh, \*Matheny, \*Matlock, \*McCormick, \*McDaniel, \*McDonald, \*McManus, \*Miller L, \*Miller D, \*Montgomery, \*Moore, \*Naifeh, \*Niceley, \*Odom, \*Parkinson, \*Pitts, \*Pruitt, \*Ramsey, \*Rich, \*Richardson, \*Roach, \*Sanderson, \*Sargent, \*Sexton, \*Shaw, \*Shepard, \*Shipley, \*Sontany, \*Sparks, \*Stewart, \*Swann, \*Tidwell, \*Tindell, \*Todd, \*Towns, \*Turner J, \*Turner M, \*Watson, \*Weaver, \*White, \*Williams R, \*Williams K, \*Windle, \*Wirgau, \*Womick. (SB3183 by \*Bell, \*Ketron, \*Burks, \*Ford, \*Massey, \*Overbey)

#### Senate Amendment No. 1

AMEND House Bill No. 3009 by deleting from the first sentence of the amendatory language in Section 1 the language "The first full week in March" and by substituting instead the language "The first full week in March" and by substituting instead the language "The third full week in May".

Rep. Cobb moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3009**, which motion prevailed by the following vote:

Ayes ..... 99  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Joint Resolution No. 753** and **House Bill No. 1854** to be heard in the Finance, Ways and Means Subcommittee this week; and if favorably considered, that the same be heard in the Finance, Ways and Means Committee this week.

Without objection, it was so ordered.

### RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 3882** and **House Joint Resolution No. 863** to be heard in the State and Local Government Committee this week.

Without objection, it was so ordered.

### RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 953 out of order, which motion prevailed.

**House Joint Resolution No. 953** -- Memorials, Recognition - Edrin LeQuori Alexander. by \*DeBerry L, \*Naifeh, \*Miller L, \*Shaw, \*Camper, \*Richardson, \*Turner J.

On motion, the rules were suspended for the immediate consideration of the resolution.

## MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

On motion of Rep L. DeBerry, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted.

A motion to reconsider was tabled.

### RULES SUSPENDED

Rep. K. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 952 out of order, which motion prevailed.

**House Joint Resolution No. 952** -- Memorials, Death - William Ralph Cole. by \*Naifeh, \*Williams K, \*McDaniel, \*Tindell, \*Fitzhugh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. K. Williams, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted.

A motion to reconsider was tabled.

### NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 17, 2012:

**House Bill No. 3633:** by Rep. Floyd

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2608** Rep(s). Brown as prime sponsor(s).

**House Bill No. 3175** Rep(s). Lundberg as prime sponsor(s).

### REPORT OF CHIEF ENGROSSING CLERK

April 16, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 853, 854, 855, 856, 857, 858, 859, 861 and 862; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED  
April 16, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 429.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED  
April 16, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 2384, 2442, 2453, 2645, 2986, 3746 and 3828.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
April 16, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2196, 2226, 2236, 2292, 2407, 2466, 2467, 2468, 2475, 2644, 2656, 2669, 2682, 2765, 2793, 2853, 2878, 2933, 3023, 3026, 3094, 3323, 3481, 3518, 3550, 3781, 3840, 3842, 3847, 3852 and 3853; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**MESSAGE FROM THE SENATE  
April 16, 2012**

MADAM SPEAKER: The Senate moved to lift from the table the motion to reconsider on House Bill(s) No(s). 2683. The Senate moved to reconsider its action in passing House Bill(s) No(s). 2683. The Senate moved to reconsider its action in adopting Amendment(s) No(s). 1. The Senate withdrew Amendment(s) No(s). 1. The Senate repassed House Bill(s) No(s). 2683.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS  
April 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 636, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930 and 931.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS  
April 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2372;

BETTY KAY FRANCIS, Chief Engrossing Clerk

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**ENGROSSED BILLS**

**April 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2459;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 520, 602, 864, 865, 866, 867, 868, 892 and 916; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2372, 2856, 2860, 2984, 3129, 3282, 3637, 3638, 3841, 3846, 3857, 3862, 3864, 3866 and 3868; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2650; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3398; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS**

**April 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2286, 2633, 2714; also House Joint Resolution(s) No(s). 952 and 953.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS**

**April 16, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 190, 191, 192, 193, 194, 242, 243 and 244; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**

**April 16, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 190, 191, 192, 193, 194, 242, 243 and 244.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1252; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2225, 2514, 3023, 3096, 3305, 3513, 3647 and 3700; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 2225** -- Intellectual & Developmental Disabilities - As introduced, revises various provisions governing the licensing of facilities and personal support services agencies for persons with intellectual and developmental disabilities. - Amends TCA Title 4 and Title 33. by \*Norris, \*Watson. (\*HB2363 by \*McCormick, \*Faison, \*Hurley)

**Senate Bill No. 2514** -- Lottery, Scholarships and Programs - As introduced, revises initial academic requirements for eligibility and the amount of the award of the Tennessee HOPE scholarship beginning with students entering college in 2015-2016; recommends use of net lottery proceeds for TSAA grants for 10 years beginning with 2015-2016. - Amends TCA Title 49, Chapter 4. by \*Gresham, \*Henry, \*Watson, \*McNally, \*Tate. (\*HB2649 by \*Brooks H)

**\*Senate Bill No. 3023** -- Board of Regents - As introduced, allows the court to award back pay to a tenured faculty member whose dismissal the court finds was not appropriate. - Amends TCA Section 49-8-304. by \*Gresham, \*Ketron, \*Burks. (HB3456 by \*Hensley)

**MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*Senate Bill No. 3096** -- Boards and Commissions - As introduced, requires each speaker appointment for the Tennessee criminal justice coordinating council to be from the respective state and local government committee. - Amends TCA Title 4 and Title 41. by \*Johnson. (HB3712 by \*McCormick)

**\*Senate Bill No. 3305** -- Sentencing - As introduced, adds charitable and governmental agencies to entities at which a person convicted of simple possession may be required to perform community service. - Amends TCA Title 39; Title 40; Title 53, Chapter 10 and Title 53, Chapter 11. by \*Faulk, \*Massey, \*Overbey. (HB3730 by \*Stewart, \*Coley)

**Senate Bill No. 3513** -- Criminal Procedure - As introduced, authorizes the county legislative body to set the fee for participation in the litter removal program by first-time DUI offenders and permits the judge to find a person indigent for purposes of paying that fee. - Amends TCA Section 55-10-403. by \*Tate. (\*HB3068 by \*DeBerry J)

**Senate Bill No. 3647** -- Conservation - As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. - Amends TCA Title 11 and Title 67. by \*Southerland, \*Ramsey, \*Ketron, \*Marrero. (\*HB3111 by \*Campbell)

**Senate Bill No. 3700** -- Election Laws - As introduced, authorizes recognized minor party the option to nominate all offices by primary or by rules of the party; if they nominate by primary election, the petition for recognition must be filed by the qualifying deadline; if they nominate by any other means, the petition for recognition must be filed 90 days prior to the general election. - Amends TCA Title 2. by \*Norris, \*Ketron. (\*HB3471 by \*Brooks H)

**MESSAGE FROM THE SENATE**  
**April 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 183, 751, 752, 753, 754, 755, 756, 757, 758, 761, 763 and 764; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 183** -- Constitutional Amendments - Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges. by \*Norris.

**Senate Joint Resolution No. 751** -- Memorials, Death - Joe "Tiger Joe" Thompson, Jr. by \*Henry.

**Senate Joint Resolution No. 752** -- Memorials, Academic Achievement - Ashley Thi Truong, Valedictorian, Kingsbury High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 753** -- Memorials, Academic Achievement - Keriyaon Hunter, Salutatorian, Kingsbury High School. by \*Kyle, \*Ford, \*Marrero.

## MONDAY, APRIL 16, 2012 – SEVENTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

**Senate Joint Resolution No. 754** -- Memorials, Academic Achievement - Kara Skjoldager, Valedictorian, Central High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 755** -- Memorials, Academic Achievement - Elizabeth Forester, Salutatorian, Central High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 756** -- Memorials, Academic Achievement - Jordaan Tiara McGill, Salutatorian, Central High School. by \*Kyle, \*Ford, \*Marrero.

**Senate Joint Resolution No. 757** -- Memorials, Death - Robert Eugene Tipton, Jr. by \*Kyle, \*Ford, \*Kelsey, \*Marrero, \*Norris, \*Tate.

**Senate Joint Resolution No. 758** -- Memorials, Death - Ryan Barek Edwards. by \*Kyle, \*Ford, \*Kelsey, \*Norris, \*Tate.

**Senate Joint Resolution No. 761** -- Memorials, Recognition - Catholic Charities of Tennessee, Inc., 50th Anniversary. by \*Henry, \*Berke, \*Finney L, \*Harper, \*Haynes, \*Herron, \*Marrero, \*Massey, \*McNally.

**Senate Joint Resolution No. 763** -- Memorials, Public Service - Senator Mike Faulk. by \*Ramsey, \*Overbey, \*Norris, \*Bell, \*Crowe, \*Tracy, \*Campfield, \*Summerville, \*Kelsey, \*Gresham, \*Berke, \*Burks, \*Ketron, \*Tate, \*Yager, \*Massey, \*Roberts, \*Beavers, \*Ford, \*Marrero, \*Kyle, \*Finney L, \*Harper, \*Barnes, \*McNally, \*Haynes, \*Johnson, \*Southerland, \*Watson, \*Stewart, \*Herron, \*Henry.

**Senate Joint Resolution No. 764** -- Memorials, Recognition - Reverend Stanford L. Hunt. by \*Kyle, \*Ford.

### ROLL CALL

The roll call was taken with the following results:

Present..... 99

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

### RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Tuesday, April 17, 2012.

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